

## Message Text

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PAGE 01 PARIS 19342 011946Z  
ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07  
EA-07 FRB-03 INR-07 IO-13 NEA-10 NSAE-00 USIA-06  
OPIC-03 SP-02 TRSE-00 LAB-04 EPG-02 SIL-01  
AGRE-00 OMB-01 /085 W  
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R 011915Z JUL 77  
FM AMEMBASSY PARIS  
TO SECSTATE WASHDC 5094

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USOECD

PASS: EB FOR SMITH; TREASURY FOR GRIFFIN

E.O. 11652: N/A  
TAGS: EINV, OECD  
SUBJECT: JULY 7-8 MEETING OF OECD COMMITTEE ON INTERNATIONAL  
INVESTMENT AND MULTINATIONAL ENTERPRISES (CIME): MAIN ISSUES

REF: (A) IME(77)12; (B) IME(77)13; (C) OECD PARIS 19048;  
(D) IME(77)9; (E) IME(77)11; (F) IME(77)6

1. MISSION BELIEVES THAT FOLLOWING REPRESENT MAIN ISSUES  
OF INTEREST FROM U.S. POINT OF VIEW AT UPCOMING CIME  
MEETING AND SHOULD BE DOVUS OF WASHINGTON'S ATTENTION IN  
PREPARATION FOR MEETING.

2. ATTEMPTS BY SECRETARIAT TO "INTERPRET" GUIDELINES:  
SECRETARIAT DOCUMENTATION FOR AGENDA ITEMS 4 (REF A)  
AND 5 (REF B), ESPECIALLY THE FORMER, APPEAR TO CONTAI  
ATTEMPTS BY THE SECRETARIAT TO MOVE BEYOND THE CIME MANDATE  
AND "INTERPRET" SECTIONS FO THE GUIDELEINES, OR AT  
THE LEAST ESTABLISH A BODY OF DOCTRINE OR CASE LAW ON THEM.  
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PAGE 02 PARIS 19342 011946Z

THIS PROBLEM WAS ADDRESSED IN REF C.

3. DEFINITION OF MULTINATIONAL ENTERPRISED (MNE'S):  
SECRETARIAT NOTE ON DEFINITION OF MULTINATIONAL ENTERPRISES  
(REF D) WAS REQUESTED BY COMMITTEE AT FEBRUARY CIME  
MEETING. HOWEVER, TAKEN TOGETHER WITH SOME OF  
WORDING IN DOCUMENTATION FOR AGENDA ITEM 4 (REF A), IT

COULD BE USED IN EFFORT BY SECRETARIAT TO MOVE TOWARD DEFINITION OF MNE'S IN THE COMMITTEE. IT MIGHT BE APPROPRIATE AT MEETING FOR U.S. TO SEEK REAFFIRMATION OF ESTABLISHED COMMITTEE POSITION THAT PRECISE LEGAL DEFINITION OF MNE'S IS NOT REQUIRED FOR PURPOSES OF THE GUIDELINES.

4. NATIONAL TREATMENT: UNDER TERMS OF ITS MANDATE, THE COMMITTEE IS TO REVIEW PERIODICALLY APPLICATION OF NATIONAL TREATMENT. SECRETARIAT NOTE (REF E) ON AGENDA ITEM 3 ON NATIONAL TREATMENT LISTS VARIOUS OPTIONS FOR ESTABLISHING PROCEDURES FOR EXAMINATION OF EXCEPTIONS TO NATIONAL TREATMENT. U.S. MAY WISH TO URGE THAT MORE PROMINENCE BE GIVEN THE NATIONAL TREATMENT ISSUE, WHETHER THROUGH A CONCENTRATED COMMITTEE REVIEW AT SOME FUTURE MEETING OR THROUGH THE ESTABLISHMENT OF A WORKING GROUP OR SOME OTHER MEANS. GIVING IMPETUS TO MANDATE'S PROVISIONS ON NATIONAL TREATMENT IS USEFUL TO BRING BETTER BALANCE TO COMMITTEE'S DISCUSSION, WHICH HAS OF LATE TENDED TO CONCENTRATE ON MNE GUIDELINES. IN THIS CONNECTION, THE SECRETARIAT'S NOTE VENTURES TENTATIVE SUGGESTION THAT COMMITTEE MIGHT CONSIDER AN ARRANGEMENT WHEREBY BIAC WOULD COMMENT ON LOSSES OF NATIONAL TREATMENT EXCEPTIONS SUBMITTED BY MEMBER COUNTRIES. MISSION BELIEVES THAT IT WOULD BE USEFUL TO MORE CLOSELY INVOLVE BIAC IN CIME DELIBERATIONS, ESPECIALLY LIMITED OFFICIAL USE

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PAGE 03 PARIS 19342 011946Z

GIVEN TUAC'S ACTIVE ROLE, AND THAT SECRETARIAT SUGGESTION WOULD BE GOOD VEHICLE FOR DOING SO. HOWEVER, UNLESS UMS. TAKES LEAD IN ENCOURAGING COMMITTEE ACCEPTANCE OF BIAC ROLE IN COMMENTING ON NATIONAL TREATMENT EXCEPTIONS, THE MATTER WILL PROBABLY NOT GO FAR AT THIS MEETING.

5. FUTURE WORK PROGRAM: AGENDA ITEM 7 AND ITS DOCUMENTATION COULD BE OCCASION FOR GENERAL COMMENTS ON DIRECTION FUTURE WORK OF COMMITTEE SHOULD TAKE. MISSION HAS NO SPECIFIC KNOWLEDGE THAT ANY DELEGATION INTENDS TO ADDRESS SUBJECT IN DEPTH. UNLESS WASHINGTON HAS DEVELOPED FIRM IDEAS ON CIME WORK PROGRAM, IT WOULD SEEM IN ORDER TO ACCEPT SECRETARIAT'S PROPOSALS (REF F) ON FUTURE WORK TIMETABLE, IN GENERAL WAY, WITH CAVEAT THAT WORK PROGRAM SHOULD BE KEPT FLEXIBLE AND OPEN TO CHANGE IF FUTURE CIRCUMSTANCES SO REQUIRE.  
SALZMAN

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Enclosure:** n/a  
**Executive Order:** N/A  
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**TAGS:** EINV, OECD  
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**Review Markings:**  
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